CLOSED, TRANSFERRED – 2326

United States District Court Southern District of West Virginia (Charleston) CIVIL DOCKET FOR CASE #: 2:13-cv-03263

Hutchinson et al v. Boston Scientific Corporation

Assigned to: Judge Joseph R. Goodwin

Lead case: 2:12-md-02326

Member cases:

2:14-cv-08053

2:12-cv-05179

2:12-cv-05620

2:12-cv-08391

2:12-cv-09681

2:20-cv-00211

2:12-cv-00282

2:12-cv-00503

2:17-cv-01984

2:15-cv-11326

2:12-cv-01596

2:12-cv-01931

2:12-cv-02065

2:12-cv-02466

2:17-cv-04490

2:12-cv-03174

2:14-cv-29234

2:17-cv-03328

2:15-cv-13691

2:17-cv-00290

2:12-cv-04181

2:12-cv-04182

2:12-cv-04183

2:12-cv-05290

2:18-cv-00090

2:18-cv-00087

2:12-cv-05889

2:12-cv-06133

2:12-cv-06251

2:14-cv-15529

2:18-cv-00268

2:12-cv-07153

2:12-cv-07233

2:12-cv-07893

2:12-cv-07866

Date Filed: 02/22/2013

Date Terminated: 08/19/2020

Jury Demand: Plaintiff

Nature of Suit: 365 Personal Inj. Prod. Liability

Jurisdiction: Diversity

- 2:12-cv-08050
- 2:12-cv-08052
- 2:12-cv-07876
- 2:12-cv-07878
- 2:12-cv-08854
- 2:14-cv-06653
- 2:12-cv-09240
- 2:12-cv-09494
- 2:12-cv-09499
- 2:12-cv-09430
- 2:12-cv-09498
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2:13-cv-02449

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2:16-cv-12073

2:12-cv-09492

<u>2.12-CV-09492</u>

2:16-cv-12501

2:13-cv-15005

2:17-cv-01109

2:17-cv-01183

2:17-cv-01616

2:17-cv-01804

2:17-cv-02956

2:17-cv-02958

2:17-cv-02984

2:14-cv-13859

2:17-cv-03272

Cause: 28:1332 Diversity-Product Liability

Plaintiff

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LEAD ATTORNEY

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Thomas R. Kline

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. . .

V.

Defendant

C. R. Bard, Inc.

TERMINATED: 08/09/2017

represented by Marc E. Williams

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Date Filed	#	Docket Text
02/22/2013	<u>Ï 1</u>	SHORT FORM COMPLAINT. Filing Fee \$350.00. Receipt # 0425–2241004. (Attachment: # 1 Civil Cover Sheet) (gjb) (Entered: 02/23/2013)
02/25/2013	<u>Ï 2</u>	TRANSMITTED PRETRIAL ORDER # 70 (SHOW CAUSE ORDER REGARDING DISMISSAL OF ENDO ENTITIES) entered on 02/21/2013 in MDL 2187 to attorneys in member case. (Attachment: # 1 Exhibit A) (jap)
03/06/2013	<u>Ï 3</u>	NOTICE OF ATTORNEY APPEARANCE AND COUNSEL CONTACT INFORMATION FORM by Michael Bonasso on behalf of Boston Scientific Corporation. (Bonasso, Michael)
03/15/2013	<u>Ï 4</u>	NOTICE OF ATTORNEY APPEARANCE AND COUNSEL CONTACT INFORMATION FORM by Marc E. Williams on behalf of C. R. Bard, Inc (Williams, Marc)
03/15/2013	<u>Ï 5</u>	WAIVER OF SERVICE EXECUTED. Waiver signed by Richard B. North, Jr. on 3/8/2013. C. R. Bard, Inc. waiver mailed on 3/6/2013, answer due 5/6/2013. (North, Richard)
03/15/2013	<u>Ï 6</u>	NOTICE OF ATTORNEY APPEARANCE AND COUNSEL CONTACT INFORMATION FORM by Richard B. North, Jr on behalf of C. R. Bard, Inc (North, Richard)
03/22/2013	<u>Ï 7</u>	NOTICE OF ATTORNEY APPEARANCE AND COUNSEL CONTACT INFORMATION FORM by Jon A. Strongman on behalf of Boston Scientific Corporation. (Strongman, Jon)
03/22/2013	<u>Ï 8</u>	WAIVER OF SERVICE EXECUTED. Waiver signed by Jon A. Strongman/Partner on 03/13/2013. Boston Scientific Corporation waiver mailed on 3/6/2013, answer due 5/6/2013. (Strongman, Jon)
08/09/2017	<u>Ï</u> 2	ORDER (Dismissing Defendant C. R. Bard, Inc. with Prejudice and Transferring Cases to MDL 2326) granting Motion by Certain Plaintiffs, C. R. Bard, Inc. to Dismiss C. R. Bard, Inc. With Prejudice and Motion by Certain Plaintiffs, C. R. Bard, Inc. TO TRANSFER this member case from MDL 2187 C. R. Bard to MDL 2326 Boston Scientific. Plaintiffs' counsel is DIRECTED to file the appropriate Amended Short Form Complaints within fourteen days of the date of this Order. Defendant Bard is DISMISSED WITH PREJUDICE as a defendant in the actions listed in Exhibit A, these actions are TRANSFERRED to MDL 2326, and the Clerk is DIRECTED to disassociate these civil actions as member cases in MDL 2187 and re–associate them with MDL 2326. Signed by Judge Joseph R. Goodwin on 8/9/2017. (cc: Clerk of the JPMDL; attys; any unrepresented party) (REF: MDL 2187; Cases Listed on Exhibit A) (kab)
08/18/2017	<u>Ï</u> <u>10</u>	AMENDED SHORT FORM COMPLAINT filed by Elizabeth Hutchinson, John F. Hutchinson, Jr against Boston Scientific Corporation. (Balefsky, Lee)
10/11/2017	<u>Ï 11</u>	PLAINTIFF PROFILE FORM filed by Elizabeth Hutchinson, John F. Hutchinson, Jr. (Balefsky, Lee)
01/30/2018	<u>Ï 12</u>	PRETRIAL ORDER # 175 (Docket Control Order – Boston Scientific Corp. Wave 4 Cases) THIS PRETRIAL ORDER SETS MANDATORY DEADLINES FOR MOST OF THE REMAINING BOSTON SCIENTIFIC CORPORATION CASES. The court ORDERS that this

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		Docket Control Order be filed in the main MDL and, as of the time of that filing in every case listed on Exhibit A (hereinafter "Wave 4 cases") becomes subject to the deadlines in this Docket Control Order. The following deadlines apply in all Wave 4 cases: A. Scheduling Deadlines. Plaintiff Fact Sheets due by 3/19/2018, Defendant Fact Sheets due by 4/19/2018, Deadline for written discovery requests due by 5/18/2018, Expert disclosure by plaintiffs due by 6/04/2018, Expert disclosure by defendants due by 7/05/2018, Expert disclosure for rebuttal purposes due by 7/23/2018, Deposition deadline and close of discovery due by 9/04/2018, Deadline to file list of general causation experts in each individual Wave 4 case due by 9/11/2018, Filing of Dispositive Motions due by 9/21/2018, Response to Dispositive Motions due by 10/05/2018, Reply to response to dispositive motions due by 10/12/2018, Filing of Daubert motions due by 10/05/2018, Responses to Daubert motions due by 10/19/2018, and Reply to response to Daubert motions due by 10/26/2018. B.4. Confidential Documents. In the event there are issues related to sealing of confidential documents that the parties are unable to resolve, they must be brought to the court's attention in a consolidated manner as follows: Any consolidated motion to seal is due on or before 8/10/2018, and any response is due by 8/24/2018. Any reply is due by 8/31/2018. C.1. Venue Recommendations. By no later than 8/27/2018 the parties shall meet and confer concerning the appropriate venue for each of the cases, and the parties are ORDERED to submit joint venue recommendations to the court by 9/03/2018. Additional directives are set forth herein. Signed by Judge Joseph R. Goodwin on 1/30/2018. (cc: Clerk of the JPMDL; attys; any unrepresented party) (REF: MDL 2326; BSC Wave 4 Cases Listed on Exhibit A) (ts) (ADI) (Entered: 02/02/2018)
03/01/2018	<u>Ï 13</u>	NOTICE OF ATTORNEY APPEARANCE AND COUNSEL CONTACT INFORMATION FORM by Michael A. Tanenbaum on behalf of Boston Scientific Corporation. (Tanenbaum, Michael)
06/07/2018	<u>Ï 14</u>	NOTICE OF DEPOSITION DUCES TECUM by Boston Scientific Corporation of Elizabeth Hutchinson on June 13, 2018 at 2:00 p.m (Keale, James)
06/13/2018	Ϊ 15	PRETRIAL ORDER # 187 (Amended Docket Control Order – Boston Scientific Corp. Wave 4 Cases) Because the court has determined there was confusion as to expert deadlines, changes have been made to Paragraph A of PTO # 175. The parties are advised that while this order will be entered in the individual cases in the coming days, it is effective as of the day it was entered in the main MDL. The following deadlines immediately apply in all Wave 4 cases: Plaintiff Fact Sheets due by 03/19/2018; Defendant Fact Sheets due by 04/19/2018; Deadline for written discovery requests due by 05/18/2018; Expert disclosures served by plaintiffs pursuant to Fed. R. Civ. P. 26 as limited by 3.a. of this order due by 07/13/2018; Expert disclosure served by defendants pursuant to Fed R. Civ. P. 26 as limited by 3.a. of this order due by 08/13/2018; Expert disclosure served for rebuttal pursuant to Fed R. Civ. P. 26 as limited by 3.a. of this order due by 08/20/2018; Deposition deadline and close of discovery due by 10/04/2018; Filing of Dispositive Motions due by 10/18/2018; Response to Dispositive Motions due by 10/25/2018; Reply to response to Dispositive motions due by 11/01/2018; Filing of Daubert motions due by 11/01/2018. Signed by Judge Joseph R. Goodwin on 6/13/2018. (cc: Clerk of the JPMDL; attys; any unrepresented party) (REF: MDL 2326; BSC Wave 4 Cases) (mek) (ADI) (Entered: 06/15/2018)
08/15/2018	<u>Ï 16</u>	CERTIFICATE OF SERVICE by Boston Scientific Corporation for Rule 26 Designation and Disclosure of Expert Witnesses. (Anielak, Eric)
09/07/2018	<u>Ï</u> <u>17</u>	MOTION by Elizabeth Hutchinson, John F. Hutchinson, Jr to Preclude Defendants Late Case–Specific Expert Reports and Preclude Case–Specific Testimony For Lack of Timely Production of Expert Report. (Attachments: # 1 Proposed Order, # 2 Certificate of Service)(Balefsky, Lee)
09/18/2018	<u>Ï 18</u>	NOTICE OF VIDEO DEPOSITION by Elizabeth Hutchinson, John F. Hutchinson, Jr of Dr. Babak Vakili on 09/27/2018 at 2:00 p.m. (Balefsky, Lee)
09/21/2018	<u>Ï 19</u>	

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		RESPONSE by Boston Scientific Corporation in opposition to <u>17</u> MOTION by Elizabeth Hutchinson, John F. Hutchinson, Jr to Preclude Defendants Late Expert Report (Anielak, Eric)		
10/17/2018 <u>Ï</u>	<u>20</u>	MOTION by Boston Scientific Corporation for Summary Judgment and Memorandum in Support (Attachments: # 1 Exhibit A, # 2 Exhibit B, # 3 Exhibit C)(Anielak, Eric)		
10/25/2018 ї	21	OPPOSITION by Elizabeth Hutchinson, John F. Hutchinson, Jr. to <u>20</u> MOTION by Boston Scientific Corporation for Summary Judgment (Attachments: # <u>1</u> Proposed Order, # <u>2</u> Exhibit A, # <u>3</u> Exhibit B)(Balefsky, Lee)		
10/25/2018 <u>Ï</u>	<u>i 22</u>	MEMORANDUM by Elizabeth Hutchinson, John F. Hutchinson, Jr in opposition to <u>20</u> MOTION by Boston Scientific Corporation for Summary Judgment (Balefsky, Lee)		
08/05/2020 <u>ï</u>	<u>i 23</u>	TRANSFER ORDER FOR CASES ON EXHIBIT A directing that on 8/19/2020 the cases identified on Exhibit A that are still pending shall be transferred to the United States District Courts identified on Exhibit A pursuant to 28 U.S.C. § 1404(a); on or before 8/18/2020 the parties are DIRECTED to confer and to file in each pending individual member case identified in Exhibit A, all documents from the main MDL that the parties jointly deem relevant to constitute an appropriate record for the receiving court to consider; the Clerk is DIRECTED to use the appropriate function in CM/ECF to extract each member case listed on Exhibit A that remains pending and transfer it to the corresponding United States District Court listed on Exhibit A; after transfer of each member case listed in Exhibit A that is not dismissed prior to the Transfer Date, the Clerk is DIRECTED to formally close the case and strike it from the docket of this court. Signed by Judge Joseph R. Goodwin on 8/5/2020. (cc: Clerk of the JPMDL; counsel of record; any unrepresented party) (REF: MDL 2326; Cases Listed on Exhibit A) (maw)		
08/18/2020 j	<u>i</u> 24	JOINT DESIGNATION OF RECORD for MDL transfers re: 2:12—md—02326 — Boston Scientific Corporation. (Attachments: # 1 Exhibit ECF 161 — BSC PTO—11 — Stipulated Protective Order, # 2 Exhibit ECF 184 — BSC PTO—13 — Stipulation for the Production of Docs and Electronically Stored Info, # 3 Exhibit ECF 196 — BSC PTO—14 — New Direct Filing Order, Master Complaint, SF Complaint, # 4 Exhibit ECF 197 — Master Long Form Complaint, # 5 Exhibit ECF 200 — BSC_s Master Answer to Master Long Form Complaint, # 6 Exhibit ECF 200 — BSC_s Master Answer to Master Long Form Complaint, # 6 Exhibit ECF 4955 — BSC PTO—175 — Docket Control Order — BSC Wave 4 Cases, # 7 Exhibit ECF 4987 — BSC PTO—176 (Notice of Correction of Error in PTO—175 — Wave 4 Cases, # 8 Exhibit ECF 6100 — BSC PTO—187 — Amended Docket Control Order — BSC Wave 4 Cases, # 9 Exhibit ECF 6984 — PItf_s Notice of Adoption of Prior Daubert Motion Badylak, # 10 Exhibit ECF 4826 — PItf_s Motion and Memo Support of MTE Badylak, # 11 Exhibit ECF 7067 — BSC_s Notice of Adoption of Prior Daubert Response Badylak, # 12 Exhibit ECF 4976 — BSC_s Opp to PItf_s MTE Badylak, # 13 Exhibit ECF 5033 — PItf_s Reply to Deft_s Response to PItf_s MTE Badylak, # 14 Exhibit ECF 6041 — Memo Opinion and Order re Daubert Motion Badylak, # 15 Exhibit ECF 6999 — PItf's Notice of Adoption of Prior Daubert Motion re Guerette, # 17 Exhibit ECF 4823 — Motion and Memo in Support of PItf's MTE Guerette, # 18 Exhibit ECF 7089 — BSC's Notice of Adoption of Prior Daubert Response re Guerette, # 20 Exhibit ECF 4977 — BSC's Memo in Opposition to PItf's MTE Guerette, # 21 Exhibit ECF 4977 — Exh B, # 22 Exhibit ECF 4977 — Exh B, # 22 Exhibit ECF 5035 — Exh B, # 29 Exhibit ECF 5035 — Exh D, # 22 Exhibit ECF 5035 — Reply Memo in Support of PItf's MTE Guerette, # 21 Exhibit ECF 5035 — Reply Memo in Support of PItf's MTE Guerette, # 21 Exhibit ECF 6032 — Memo Opinion and Order re Daubert Motion re Guerette, # 22 Exhibit ECF 6035 — Exh B, # 29 Exhibit ECF 6055 — Exh C, # 30 Exhibit ECF 5035 — Exh S, # 38 Exhibit EC		

Pltf s MTE Little, #42 Exhibit ECF 6044 – Memo Opinion and Order re Daubert Motion Little, # 43 Exhibit ECF 6986 – Plaintiffs' Notice of Adoption of Prior Daubert Motion re Rosenblatt, # 44 Exhibit ECF 4833 – Pltf_s MTE Rosenblatt and Memo in Support, # 45 Exhibit ECF 7061 –BSC's Notice of Adoption of Prior Daubert Response re Rosenblatt, #46 Exhibit ECF 4978 – BSC s Memo in Opp to Pltf_s MTE Rosenblatt, # 47 Exhibit ECF 4978 – Exh A, # 48 Exhibit ECF 4978 – Exh B, # 49 Exhibit ECF 5039 – Pltf_s Reply Brief in Support of MTE Rosenblatt, # 50 Exhibit ECF 6047 – Memorandum Opinion and Order re Daubert Motion re Dr. P. Rosenblatt, # 51 Exhibit ECF 7004 – Pltf_s MTE and Memo re Spiegelberg, # 52 Exhibit ECF 4827 – Pltf_s MTE Spiegelberg and Memo in Support, # 53 Exhibit ECF 7088 – BSC_s Response in Opposition to Pltf_s MTE Spiegelberg, # 54 Exhibit ECF 4969 – BSC_s Response in Opp to Pltf_s MTE Spiegelberg, # 55 Exhibit ECF 7160 – Pltf_s Reply in Support of MTE Spiegelberg, # 56 Exhibit ECF 5031 – Pltf_s Reply in Support of MTE Spiegelberg, # 57 Exhibit ECF 6049 – Memo Opinion and Order re Daubert Motion Spiegelberg, # 58 Exhibit ECF 7009 - BSCs Notice of Adoption of Prior Daubert MTE Guelcher, # 59 Exhibit ECF 7057 - Pltf s Notice of Adoption of Prior Daubert Response Guelcher, # 60 Exhibit ECF 7166 – BSCs Notice of Adoption of BSC's Prior Reply MTE Guelcher, # 61 Exhibit ECF 7015 – BSC's Notice of Adoption of Prior Daubert MTE Dr. V. Iakovlev, # 62 Exhibit ECF 4819 – BSC_s MTE Iakovlev, # 63 Exhibit ECF 7050 – Plaintiffs' Notice of Adoption of Daubert Response re Iakovley, # 64 Exhibit ECF 4959 – Exh A1, # 65 Exhibit ECF 4959 – Exh A2, # 66 Exhibit ECF 4959 – Exh B, # 67 Exhibit ECF 4959 – Exh D, # 68 Exhibit ECF 4959 – Exh E, # 69 Exhibit ECF 4959 – Pltf s Response to BSC s MTE Iakovley, # 70 Exhibit ECF 6033 – Memo Opinion and Order re Daubert Motion Iakovley, # 71 Exhibit ECF 7018 – BSC's Notice of Adoption of Prior Daubert MTE Pence, # 72 Exhibit ECF 4815 – BSC_s MTE Pence and Memo in Support, # 73 Exhibit ECF 7047 – Pltfs' Notice of Adoption of Prior Daubert Response Pence, #74 Exhibit ECF 4968 – Pltf s Response in Opp to BSC s MTE Pence, # 75 Exhibit ECF 6038 – Memo Opinion and Order re Daubert Motion Pence, # 76 Exhibit ECF 7011 – BSC's MTE General Causation Testimony of Dr. B. Rosenzweig, # 77 Exhibit ECF 7085 – Pltf's Response to BSC's MTE General Causation Testimony of Rosenzweig, # 78 Exhibit ECF 7175 – BSC's Reply ISO MTE General Causation Testimony of Rosenzweig, #79 Exhibit ECF 6039 – Memo Opinion and Order re Daubert Motion Rosenzweig, #80 Exhibit ECF 52 – BSC s Memo MTE Guelcher, # 81 Exhibit ECF 74 – Ptfs Opp to Dft_s MTE Guelcher, # 82 Exhibit ECF 88 – BSC_s Reply MTE Guelcher, #83 Exhibit ECF 100 - Memo, Opinion, and Order (Daubert Motions), #84 Exhibit ECF 216 – Pltf s Memo in Support of MTE Spiegelberg, #85 Exhibit ECF 275 – BSC_s Opposition to Pltf_s MTE Spiegelberg, # 86 Exhibit ECF 275 – Exh A, # 87 Exhibit ECF 275 - Exh B, #88 Exhibit ECF 473 - Amended Memo Opinion and Order (Daubert Motions))(Anielak, Eric) (Modified on 8/19/2020 to add party filers) (mk).